



COUNTY OF LOS ANGELES

CLAIMS BOARD

500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012

MEMBERS OF THE BOARD

April 7, 2003

Maria M. Oms
Auditor-Controller
Lloyd W. Pellman
Office of the County Counsel
Rocky Armfield
Chief Administrative Office

Honorable Board of Supervisors
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: **Galust Galstanyan, Armine Torosyan v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 258 362

Dear Supervisors:

The Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of \$175,000.00.
2. The Auditor-Controller be directed to draw a warrant to implement this settlement from the Department of Health Services.

Enclosed is the settlement request and a summary of the facts of the case.

The Litigation Report, including the Corrective Action Report, is being transmitted to you under separate cover by the Department of Health Services.

Return the executed, adopted copy to Frances Lunetta, Suite 648 Kenneth Hahn Hall of Administration, Extension 4-1754.

Very truly yours,

Maria M. Oms, Chairperson
Los Angeles County Claims Board

MMO/fsl

Enclosure

MEMORANDUM

March 17, 2003

TO: LOS ANGELES COUNTY CLAIMS BOARD

FROM: RICHARD G. REINJOHN, Esq.
Law Offices of Richard G. Reinjohn

OWEN L. GALLAGHER
Principal Deputy County Counsel

RE: Galust Galstanyan, Armine Torosyan v. County of Los Angeles
Los Angeles Superior Court Case No. BC258362

DATE OF
INCIDENT: September 22, 2000

AUTHORITY
REQUESTED: \$175,000

COUNTY
DEPARTMENT: DEPARTMENT OF HEALTH SERVICES

CLAIMS BOARD ACTION:

☐ Approve ☐ Disapprove ☐ Recommend to Board of
Supervisors for Approval

_____, Chief Administrative Office
ROCKY A. ARMFIELD

_____, County Counsel
LLOYD W. PELLMAN

_____, Auditor-Controller
MARIA M. OMS

on _____, 2003

SUMMARY

This is a recommendation to settle for \$175,000 the medical negligence lawsuit brought by Galust Galstanyan as the result of treatment he received at LAC+USC Medical Center on September 22, 2000. There is no Medi-Cal lien.

LEGAL PRINCIPLES

The County is liable for the failure of its hospital and medical staff to provide services consistent with the appropriate standard of care for the circumstances encountered.

SUMMARY OF FACTS

On September 22, 2000, at 7:45 p.m., Galust Galstanyan, a 49-year-old man, underwent surgery at LAC+USC Medical Center to repair a fracture of the long bone of the thigh (femur) at his left hip by restoring the bones to their normal position by exposing the skeletal parts involved (open reduction), and fastening them in a fixed position with a metal plate (internal fixation). However, during surgery, medical personnel failed to align the bones in the correct anatomical position prior to attaching the metal plate. The failure to align the bones in the correct anatomical position during an open reduction may result in a deformity in which the limb is turned inward toward the body (varus deformity). At 11:37 p.m., surgery was concluded.

On September 23, 2000, medical personnel reviewed postoperative x-rays taken of Galust Galstanyan's left hip and leg. Although it was determined that the bones were not aligned in the correct anatomical position, medical personnel decided to allow the healing process to continue. On September 27, 2000, Galust Galstanyan was discharged.

On October 30, 2000, Galust Galstanyan was seen in the Orthopedic Clinic at LAC+USC Medical Center with complaints of weakness and an inability to lift his left leg. An order was made that Galust Galstanyan be given physical therapy to strengthen his left leg and improve its range of motion.

Galust Galstanyan continued to receive physical therapy through April 10, 2001. However, the condition of his left hip and leg failed to improve. Galust Galstanyan has been diagnosed with a varus deformity resulting from the failure to align the bones in the correct anatomical position during open reduction surgery on September 22, 2000. He currently has a one-half inch shortening of his left leg, walks with a noticeable limp, and will need future surgeries to correct the deformity.

DAMAGES

If this matter proceeds to trial, the claimant will likely seek the following:

Galust Galstanyan,	
Future Medical Care	\$ 98,000
Pain and Suffering (MICRA limit)	\$250,000
Costs of Litigation	\$ <u>10,000</u>
TOTAL	\$358,000

The proposed settlement includes:

Galust Galstanyan,	
Cash Settlement	\$112,084
Attorneys Fees (MICRA Estimate)	\$ 52,916
Costs of Litigation	\$ <u>10,000</u>
TOTAL	\$175,000

STATUS OF CASE

The current trial date has been vacated pending approval of this settlement.

Expenses incurred by the County of Los Angeles in the defense of this case through March 7, 2003, are attorneys fees of \$16,286.50 and \$2,772.84 in costs.

The total cost to the County of Los Angeles, as a result of this settlement, is as follows:

Indemnity (Settlement Amount)	\$175,000.00
County Attorneys Fees and Costs	\$ <u>19,059.34</u>
TOTAL	\$194,059.34

EVALUATION

Medical experts will be critical of the failure of medical personnel to align Galust Galstanyan's bones in the correct anatomical position prior to attaching the metal plate during open reduction surgery on September 22, 2000. This failure fell below the standard of care, and is directly responsible for the results observed here.

We join with our private counsel, Law Offices of Richard G. Reinjohn, and our claims administrator, Octagon Risk Services, Inc., in recommending settlement in the amount of \$175,000.

The Department of Health Services concurs in this settlement.